Please amend the application as follows.

In the Claims

Please cancel Claim 55. Please amend Claims 1, 11, 13, 23, 26, 32, 53, 59, 61, 82 and 87.

1. (Five times amended) A retroviral vector comprising a heterologous gene placed under transcriptional control of a MMTV U3 sequence, wherein the MMTV U3 sequence is obtainable using a PCR amplification product that is amplified using primers D (SEQ ID NO: 4) and E (SEQ ID NO: 5) and a PCR template comprising a MMTV provirus, and wherein the MMTV U3 sequence directs expression of the heterologous gene in a human cell when the vector is introduced into the cell.

e1

11. (Twice amended) The retroviral vector according to claim 10, wherein said therapeutic gene is selected from the group consisting of: Herpes Simplex Virus thymidine kinase gene, cytosine deaminase gene, guanine phosphoribosyl transferase (gpt) gene, cytochrome P 450 gene, cell cycle regulatory genes, tumor suppressor genes, antiproliferation genes and cytokines genes.

e2

13. (Four times amended) A retroviral provirus carrying a construct comprising a heterologous gene placed under transcriptional control of a MMTV U3 sequence, wherein the MMTV U3 sequence is obtainable using a PCR amplification product that is amplified using primers D (SEQ ID NO: 4) and E (SEQ ID NO: 5) and a PCR template comprising a MMTV provirus, and wherein the MMTV U3 sequence directs expression of the heterologous gene in a human cell when the vector is introduced into the cell.

e3

23. (Four times amended) A pharmaceutical composition comprising a DNA construct comprising a therapeutic gene placed under transcriptional control of a MMTV U3 sequence, wherein the MMTV U3 sequence is obtainable using a PCR amplification product that is amplified using primers D (SEQ ID NO: 4) and E (SEQ ID NO: 5) and a PCR template comprising a MMTV provirus, and wherein the MMTV U3 sequence

e4

e4 Amd directs expression of the heterologous gene in a human cell when the vector is introduced into the cell, and a pharmaceutically acceptable carrier or diluent.

26. (Five times amended) A method for the expression of a heterologous gene in a human cell comprising introducing a retroviral vector comprising said gene under transcriptional control of a MMTV U3 sequence, wherein the MMTV U3 sequence is obtainable using a e5 PCR amplification product that is amplified using primers D (SEQ ID NO: 4) and E (SEQ ID NO: 5) and a PCR template comprising a MMTV provirus, into the human cell and maintaining the cell under conditions in which the gene is expressed in the human cell.

32. (Twice amended) The method according to claim 31, wherein said therapeutic gene is selected from the group Herpes Simplex Virus thymidine kinase gene, cytosine e6 deaminase gene, guanine phosphoribosyl transferase (gpt) gene, cytochrome P 450 gene, cell cycle regulatory genes, tumor supressor genes, antiproliferation genes and cytokine genes.

53. (Twice amended) A retroviral vector comprising a heterologous gene placed under transcriptional control of a proximal 445 bp of the murine WAP promoter which includes e7 a transcription initiation site, wherein the WAP promoter directs expression of the heterologous gene in a cell when the vector is introduced into the cell.

59. (Amended) The retroviral vector according to claim 58 wherein said therapeutic gene is selected from the group Herpes Simplex Virus thymidine kinase gene, cytosine e8 deaminase gene, guanine phosphoribosyl transferase (gpt) gene, cytochrome P 450 gene, cell cycle regulatory genes, tumor supressor genes, antiproliferation genes and cytokine genes.